

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda December 10, 2013 7:00 P.M.

Call to Order - **Council President Garcia-Martinez called the meeting to order.**

Roll Call – **Council Vice President Gonzalez absent. Councilwoman Casals-Muñoz was absent during the Planning and Zoning portion of the Council Meeting.**

- **Also present were:**
 - **Carlos Hernandez, Mayor**
 - **William Grodnick, City Attorney**
 - **Marbelys Fatjo, Acting City Clerk**

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilwoman Casals

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the Acting City Clerk in English and by MariCarmen Lopez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations -

- (1) **REPORT:** Council President Garcia-Martinez presented the Woman's Club of Hialeah with a Certificate of Appreciation for their contribution, service and support towards the Breast Cancer Awareness month event.

REPORT: Mayor Hernandez stated that he was very happy to have the Woman's Club of Hialeah present in the Council Meeting.

REPORT: Council President Garcia-Martinez congratulated the Woman's Club of Hialeah on the work they are doing and continue doing.

REPORT: Daisy Castellanos of the Woman's Club of Hialeah thanked the Mayor and the Council for their support, and stated that the organization will continue to fight cancer.

- (2) **REPORT:** Mayor Hernandez presented Dr. Tony Diaz, Orthopedic Surgeon, with a Certificate of Appreciation for his support towards the City's Adult Aquatics program. Since Dr. Diaz was not present, Joseph Dziedzic, Recreation Supervisor, Hialeah Parks Department, accepted the Certificate on behalf of Dr. Diaz.

1. Announcement of Amendments/Corrections to the Agenda – **The following amendments/corrections were announced by the Acting City Clerk:**

Item M was removed from the Consent Agenda and placed in the Administrative portion of the agenda as item 4. Item Q was added to the Consent Agenda.

REPORT: The Acting City Clerk announced that the representative of the applicant for Shoma (item PZ 5) requested that item remain on table until January 28, 2014. Ms. Lopez made the announcement in Spanish.

2. Consent Agenda –

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-0-1).

- A. Request to cancel the City Council meeting of December 24, 2013 in observance of Christmas Eve. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- B. Request permission to issue a new purchase order to ACTL Group, LLC, for additional work for heating, ventilation and air conditioning (HVAC) which was not part of the original contract, for the Multipurpose Adult Center at the 300-Unit Elderly Housing facility, in the amount of \$5,033.21. A purchase order was previously issued to this vendor in the prior fiscal year pursuant to Hialeah Bid # 2012/13-3230-00-031. Approval of a new purchase order for fiscal year 2013-2014 would thereby increase the total amount of the expenditure to \$42,208.21. (CONSTRUCTION & MAINTENANCE

DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (6-0-1)**
(Council Vice President Gonzalez Absent)

- C. Request permission to issue a purchase order to Medical Priority Consultants, Inc., sole source vendor, for the license and service agreement maintenance for the Public Safety Priority Dispatch System, and further request permission to enter into a service agreement with this vendor with an expiration date of September 30, 2014, for a total cumulative amount not to exceed \$16,384. (FIRE DEPT.) **APPROVED (6-0-1)**
(Council Vice President Gonzalez Absent)
- D. Request permission to utilize State of Florida Contract #490-000-12-ACS and issue a purchase order to Fisher Scientific Company L.L.C., for the purchase of fifty (50) self-contained breathing apparatus bottles, six (6) self-contained breathing apparatus rapid intervention packs, and ten (10) one hour self-contained breathing apparatus haz-mat cylinders, for a total cumulative amount not to exceed \$63,554.64. (FIRE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- E. Request permission to award Hialeah Bid #2013/14-3220-12-009-*Automotive and Light Trucks Transmission Rebuilds*, to Tranny Tech Inc., lowest responsive bidder, for automotive and light trucks transmission rebuilds, for a total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- F. Request permission to award Hialeah Bid #2013/14-3220-12-010-*Allison Transmission Rebuilds*, to Rainbow Transmission & Auto Center Inc., sole responsive bidder, for Allison Transmission rebuilds, for a total cumulative amount not to exceed \$15,000. (FLEET MAINTENANCE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- G. Proposed resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, and in particular, the Streets Transportation Fund, Fire Prevention Fund, Hialeah Circulator Fund, Building Department Fund, Children's Trust Fund and 21st Century Grant Fund; and within Enterprise Funds and in particular, Solid Waste Fund, Water & Sewers Fund and Stormwater Fund, all as summarized and itemized in the schedule attached as Exhibit "1" and made a part hereof. (OFFICE OF MANAGEMENT & BUDGET) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-123.**
- H. Proposed resolution ratifying and approving supplemental appropriations to the annual budget for fiscal year 2012-2013 and in particular, revising the budget to supplement revenues within the General Fund; within Special Revenue Funds and in particular, Fire Rescue Transport Fund, Parks Grant and Impact Fee Fund, ECS & Library Grants Fund, 21st Century Grant Fund and Blue Foundation Fund and within Capital Project Funds and in particular, Palm Center, Roadway Reconstruction Fund and Goodlet Park Fund; with corresponding balanced expenditures, in the amounts listed in Exhibit "1". (OFFICE OF MANAGEMENT & BUDGET) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-124.**

- I. Request permission to utilize the pricing of the Florida Sheriffs Association & Florida Association of Counties 15 Passenger Van Specification #32, 2014 Ford E-350 Club Wagon Extended (S3B), Bid Award Announcement 13-21-0904, and issue a purchase order to Hub-City Ford-Mercury, Inc., for the purchase of a fifteen (15) passenger van, 2014 Ford E-350 Club Wagon Extended (S3B), for a total cumulative amount not to exceed \$23,899. (PARKS AND RECREATION DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- J. Proposed resolution approving the expenditure totaling an amount not to exceed \$30,487.00 from the Law Enforcement Trust Fund – *State*, to purchase one (1) Evidence Refrigerator and four (4) Evidence Lockers to renovate and upgrade the current Hialeah Police Property/Evidence Room from Storage Systems, USA, the lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-125.**
- K. Proposed resolution approving the expenditure totaling an amount not to exceed \$14,170.00 from the Law Enforcement Trust Fund – *Federal*, to purchase a Throwbot XT and related accessories from Recon Robotics, Inc., the sole source vendor who can provide the City of Hialeah with the necessary and specific equipment, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-126.**
- L. Proposed resolution approving the expenditure totaling an amount not to exceed \$20,454.55 from the Law Enforcement Trust Fund – *Federal*, to purchase an Avatar II Tactical Robot and related accessories from Robotex, Inc., the sole source vendor who can provide the City of Hialeah with the necessary and specific equipment, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-127.**
- M. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding sources, and issue a purchase order to Motorola Solutions, Inc., for the purchase of one hundred (100) Motorola Intrinsically Safe Batteries to sustain the Police Department two way radios with funding from UASI 2011-83 (AEL #10BC-00-BATT), for a total cumulative amount not to exceed \$5,800. (FIRE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- N. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding sources, and issue a purchase order to Motorola Solutions, Inc., for the purchase of thirty-five (35) Motorola XTS2500 handheld radios and their respective accessories for the Police Department with funding from UASI 2011-71 (AEL #06CP-01-PORT), for a total cumulative amount not to exceed \$117,405.75. (FIRE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**

- O. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding sources, and issue a purchase order to Motorola Solutions, Inc., for the purchase of one hundred (100) Motorola Intrinsically Safe Batteries to sustain the Fire Department two way radios with funding from UASI 2011-83 (AEL #10BC-00-BATT), for a total cumulative amount not to exceed \$7,500. (FIRE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- P. Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints caused by parameters within the grant funding sources, and issue a purchase order to Portable Communications, Inc., for the purchase of one hundred seventy (170) Motorola Remote Speaker Microphones to sustain the Police and Fire Departments two way radios with funding from UASI 2011-85 (AEL #06CP-03-PRAC), for a total cumulative amount not to exceed \$14,465. (FIRE DEPT.) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent)**
- Q. Proposed resolution authorizing the Mayor or designee to obtain property insurance coverage with Zurich American Insurance Company through the City's current property insurance agent Keen, Battle, Mead & Company from December 27, 2013 to December 27, 2014 in an estimated amount not to exceed \$427,205.94 for the Hialeah Reverse Osmosis Water Treatment Plant of which Miami-Dade County will reimburse the City for its 50% share. (RISK MANAGEMENT) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-128.**
3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, of the Code of Ordinances and in particular, adding a new division, Division 34 entitled "Alwod Artist Live/Work Overlay District" to provide regulations for the Artist Live/Work Overlay District, including, but not limited to, definitions, purpose, geographic area, development standards, operating requirements and artist studio regulations; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (COUNCILMAN PAUL HERNANDEZ) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). ORDINANCE NO. 2013-87.**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz. Motion Passed (6-0-1).

4. Proposed resolution approving the internal transfer of assets comprising of 35.438 acres improved with buildings located at 900 East 56 Street, Hialeah, Florida, in the amount of \$19,000,000, from the City of Hialeah to its Department of Public Works, as more particularly described and depicted as the remainder parcel in Exhibit "1" which is attached hereto and made a part hereof as Exhibit "1". (ADMINISTRATION) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-129.**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz. Motion Passed (6-0-1).

5. Board Appointments –

- a. Appointment by Council President Isis Garcia-Martinez of Lisa Setrini Espinosa to the Cultural Affairs Council for a two year term ending on December 10, 2015. (COUNCIL PRESIDENT GARCIA-MARTINEZ) **No vote required for this item.**
- b. Proposed resolution reappointing Javier Collazo as the Mayor's Representative to the Board of Trustee of the Employees' General Retirement System for a two (2)-year term ending on December 31, 2015. (MAYOR HERNANDEZ) **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-130.**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz. Motion Passed (6-0-1).

- c. Proposed resolution appointing Jonathan Martinez as the Management Representative to the Board of Trustees of the Employees General Retirement System for a two (2)-year term ending on December 31, 2015. **APPROVED (6-0-1) (Council Vice President Gonzalez Absent). RESOLUTION NO. 2013-131.**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilwoman Casals-Muñoz. Motion Passed (6-0-1).

6. Unfinished Business – None.**7. New Business – None.****8. Comments and Questions –**

- a. **Mayor Hernandez stated that it is an honor and privilege to serve with the Council. Mayor Hernandez wished happy holidays to all.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: All were duly sworn in by the Acting City Clerk in English and by MariCarmen Lopez in Spanish.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-3-2 (Multiple-Family District) and granting a Variance

Permit to allow a lot coverage of 50%, where a maximum of 30% is allowed, to allow a front setback of 5 feet, where 25 feet are required, and to allow a street side setback of 5 feet, where 15 feet are required, contra to Hialeah Code §§ 98-589, 98-590 and 98-2056(b)(2). **Property located at 1120 West 37 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Javier L. Vazquez, Esq.*) **APPROVED (5-0-2) (Council Vice President Gonzalez and Councilwoman Casals-Muñoz Absent). ORDINANCE NO. 2013-88.**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilman Caragol. Motion Passed (5-0-2).

PZ 2. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow construction of a single family home on each of three substandard-sized lots having a width of 40 feet, more or less, where a minimum average width of 75 feet is required, a total area of 5,400 square feet, more or less, where a total area of at least 7,500 square feet is required and a corner side setback of 5.08 feet, where 15 feet are required, contra to Hialeah Code §§ 98-499 and 98-501. **Property located at 501 East 13 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: East 13 Street, LLC; Registered Lobbyist: Michael Osman*) **APPROVED (5-0-2) (Council Vice President Gonzalez and Councilwoman Casals-Muñoz Absent). ORDINANCE NO. 2013-89.**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilman Caragol. Motion Passed (5-0-2).

PZ 3. First reading of proposed ordinance rezoning from C-2 (Liberal Retail Commercial) to P (Parking District) and granting a Variance Permit to allow 32 parking spaces, where 36 are required, to allow a front setback of 20.8 feet, where 25 feet are required, and to allow a corner side setback of 7 feet, where 15 feet are required, contra to Hialeah Code §§98-589, 98-590 and 98-2189(19)b., on property zoned R-3 (Multiple-Family District). **Property is composed of contiguous vacant lots located at 601 East Okeechobee Road, 610 Park Drive and vacant lot located on the northeast corner of the intersection of Southeast 6 Avenue and Okeechobee Road, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: LeJeune Airport Park Suite Inc.*) *Item tabled during the meeting of November 26, 2013.* **APPROVED (5-0-2) (Council Vice President Gonzalez and Councilwoman Casals-Muñoz Absent). Next hearing is scheduled for January 14, 2013.**

REPORT: Octavio Santurio, architect, 6262 SW 40 Street, and Jorge Cabrera, 2852 SW 143 Place, were present to address any of the Council's questions.

Motion to Remove from Table made by Councilwoman Cue-Fuente and seconded by Councilman Hernandez. Motion Passed (5-0-2).

Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Cue-Fuente. Motion Passed (5-0-2).

PZ 4. First reading of proposed ordinance granting a Variance Permit to allow no front setback, where 10 feet are required, for a distance of 115.84 feet to accommodate the building façade to the north, to allow a rear setback of 4 feet, where 15 feet are required, for the first three levels only and to accommodate the garage access ramps, to allow a street side setback of 2.66 feet, where 10 feet are required, to accommodate a portion of the retail space at the southwest corner, contra to Hialeah Code §§ 98-1630.3 (e)(1) and 98-1630.3(e)(2). **Property located at 2701 and 2735 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: JRJ Florida Investments LLC & JRJ 4th Avenue Invest. LLC*) **Item tabled during the meeting of November 26, 2013. APPROVED (5-0-2) (Council Vice President Gonzalez and Councilwoman Casals-Muñoz Absent). Next hearing is scheduled for January 14, 2013.**

Motion to Remove from Table made by Councilwoman Cue-Fuente and seconded by Councilwoman Lozano. Motion Passed (5-0-2).

Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Cue-Fuente. Motion Passed (5-0-2).

PZ 5. First reading of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business Overlay District Regulations on property located at an activity node area having a land use classification of commercial pursuant to Hialeah Code § 98-1630.8, and granting a Variance Permit to allow a building height of 105 feet and 10 stories, where a maximum 95 feet and 9 stories are allowed, to allow 802 parking spaces, where at least 1,148 parking spaces are required, to allow 113 residential units with less than 850 square feet, where no more than 35 units with a minimum of 600 square feet are allowed, and allow an interior setback of 10 feet, where a minimum of 15 feet is required, contra to Hialeah Code §§ 98-1630.2, 98-1630.3(b), (e)(2), and 98-2189(16). **Property located at 401 and 435 Hialeah Drive, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Shoma Retail, LLC. c/o Felix M. Lasarte, Esq.*) **ITEM TABLED DURING THE MEETING OF NOVEMBER 26, 2013. Applicant's representative requested that the item remain on table until January 28, 2014.**

REPORT: NO ACTION TAKEN ON THIS ITEM. ITEM WILL REMAIN ON TABLE UNTIL JANUARY 28, 2014.

REPORT: Council President Garcia-Martinez wished everyone happy holidays, merry Christmas and a happy new year. Meeting was adjourned at 7:38 p.m. by Council President Garcia-Martinez.

NEXT CITY COUNCIL MEETING: January 14, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: February 25, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).